

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0178-08  
Bill No.: HS for HCS for SS for SCS for SB 48  
Subject: Modifies the Family Care Safety Registry  
Type: Original  
Date: May 15, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$117,174)	(\$74,897)	(\$76,580)
Criminal Record System Fund	\$171,527	\$28,506	\$27,871
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$54,353</b>	<b>(\$46,391)</b>	<b>(\$48,709)</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

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## **FISCAL ANALYSIS**

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### **ASSUMPTION**

Officials from the **Department of Elementary and Secondary Education** and the **Office of Attorney General** stated the proposed legislation has no fiscal impact on their agencies.

Officials from the **Department of Social Services - Division of Aging (DA)** stated there would be no fiscal impact on the DA as this legislation would not change the DA's responsibilities or workload.

Officials from the **Department of Mental Health (DMH)** stated Section 210.906.1 removes the exception for non-contract state employees from the list of those required to complete a registration provided by the Department of Health. The projected cost for all DMH staff to be "registered" on the Family Care Safety Registry would be \$50,000 initially and \$10,000 annually thereafter. Also, the Family Care Safety Registry Act required the collaboration of the Departments of Health, Corrections, Social Services, Public Safety, and Mental Health. This officially includes the DMH EDL in the roster of checking points that will serve as resources for the Family Care Safety Register. Changes in this legislation could increase the volume of contacts to the DMH, but there is no way to determine whether or how much of an increase in volume will occur with the implementation of this legislation; therefore, the total fiscal impact to the DMH is \$50,000 to unknown for FY 02 and \$10,000 to unknown for future years.

**Oversight** assumes that any increase in the volume of contacts to the DMH could be absorbed with current funding levels.

Officials from the **Department of Corrections (DOC)** did not respond to our request for fiscal impact. However, in an earlier version of the proposed legislation, the DOC officials assumed the legislation would not fiscally impact their organization.

Officials from the **Department of Health (DOH)** stated the proposed legislation will fiscally impact their agency. The DOH officials stated that according to a representative of the Division of Aging there are currently 372 agencies that contract to provide in-home services. It is unknown the total number of employees of those agencies. The three largest agencies in the state employ a total of 2,500 care staff. Since several of the agencies are very small, it could be assumed that the remaining agencies would have an average of 10 employees. Using this assumption, 2,500 (3 largest agencies) plus 3,690 from the smaller agencies (369 x 10) for a total of 6,190 to be registered.

According to a representative of Vocational Rehabilitation, there are currently 1,100 individuals who meet the requirements of 178.661. An additional 120 individuals are added each month. Each of these individuals has two to three caregivers that meet the definition of personal care attendant or personal care worker. By 2002 they believe 4,000 individuals will be served with

ASSUMPTION (continued)

the potential for an additional 12,000 caregivers. It is unclear just how many of these care givers may serve more than one client but an estimate could be made that at least 2,000 may fall into this category.

According to a representative of the Department of Mental Health, there are 4,200 entities that contract to provide personnel care services. It is estimated they employ 13,000 individuals to perform those tasks.

6,190	In-home workers (Aging)
10,000	Personal care workers (Vocational Rehabilitation)
<u>13,000</u>	Personal care workers (DMH)
29,190	Total

The turnover rate for these individuals would be similar to that of other in-home providers. The current turnover rate is estimated to be 35%, which would translate to 10,217 individuals to be registered annually.

The DOH estimates one Family Care Registry staff member (Health Program Representative - HPR) is needed per 5,000 registrants. This individual will process the registrant, provide information to the registrant regarding information that will be released, provide responses to employers regarding background via the toll free number, confirm by letter the information provided to the employer and registrant, and provide additional detailed information if requested.

Currently, HPRs work within the Family Care Registry, as previously approved by the General Assembly. Additionally, such technical staff will be needed to process the additional registrations, which includes entry of the individual registrant into the FCSR data bank. Then, via computer interface, run a real time inquiry comparing the name, SSN, and date of birth of the registrant with the Highway Patrol Criminal records computer, the Child Abuse and Neglect registry, the employee disqualification list, and certain licensing information. These individuals must determine if the information found in any of these computer systems matches the DOH's registrant and notify the registrant of the results. In addition, these individuals must be responsible for providing this current information to employers whenever they would make a request. Since this bill will require an additional 10,217 individuals to register and a worker can register/respond to 5,000 annually, the DOH is requesting 2 additional Health Program Representatives to meet this mandate.

Two Account Clerk I's are needed to process the daily fees that are submitted with the applications. As a result of the Family Care Registry legislation, it is estimated above that the DOH will receive approximately 10, 217 applications each year in addition to the 48,302 estimated when the legislation originally passed. This has placed a burden on existing staff and will exceed their ability to meet this level of need. Each application includes a fee that has to be

ASSUMPTION (continued)

processed and deposited into the Criminal Records System Fund. The DOH currently receives a similar number of receipts related to the Vital Records program we administer, and that workload is performed by two FTE. The fee is collected at the time of registration, which is administered by the DOH; thus, Department handles the fee receipts and depositing of them into the Patrol's Criminal Records System's Fund.

Therefore, the DOH estimates that 4 FTE - 2 Health Program Reps. I/II and 2 Account Clerk I's will be needed along with the necessary equipment and expense. The DOH is also requesting rental space for the 4 additional FTE. Total expenditures are estimated to be \$183,712 for FY 02 (10 months); \$195,772 for FY 03; and \$200,883 for FY 04.

**Oversight** assumes the DOH would be able to implement the proposed legislation with 2 Account Clerk I FTE, would place the additional FTE in current office space, and would not need rental space.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated the proposed legislation would fiscally impact their agency. The MHP state the Patrol's Criminal Records and Identification Division would require an additional FTE as a result of this legislation based on the following assumptions:

Vocational Rehabilitation Personal care workers	10,000
Mental Health Personal care workers	13,000
Division of Aging In-home workers	<u>6,190</u>
Total Searches	29,190 First year

After the first year, it can be expected that there will be 30% annual turnover rate, which would result in 8,757 name searches needed per year.

37 name searches per day  
8 working hours in a day  
7.07 minutes per name search  
= 1 FTE.

This FTE would be an AFIS Entry Operator to review data submitted, verify data entered into the CJO2 System and against similar names, DOB and social security number. They would also be responsible for retrieving data with and without criminal history and submitting criminal information for RAP sheet to be verified by the Criminal History Record Technicians. Once verified by the Criminal History Record Technician, the FTE would prepare it for release and process the criminal record request forms to the submitting agency.

The FTE would require the standard office equipment.

ASSUMPTION (continued)

Officials from the MHP stated the proposed legislation would also affect Total State Revenue. During the first year, 29,190 name searches would be done. Each name search is \$5.00 so \$145,950 would be deposited into the Criminal Record Systems Fund. For every year after that, 8,757 name searches would be done at \$5.00 each. This would result in \$43,785 being deposited into the Criminal Record Systems Fund during each FY 03 and FY 04.

Based on the Department of Mental Health's (DMH) current/requested FY 02 budget staffing levels, **Oversight** assumes the MHP would be required to conduct an additional 10,000 criminal record checks for the DMH in FY 02 for a total first year searches of 39,190 (29,190 + 10,000 DMH employees). Subsequent year searches would total approximately 10,757 (8,757 + 2,000 DMH employees). As a result of the additional DMH employee criminal record checks, **Oversight** assumes an additional \$50,000 (10,000 DMH employees x \$5 per name search) would be deposited in the Criminal Records System Fund in FY 02 and an additional \$10,000 (2,000 DMH employees x \$5 per name search) for each subsequent year.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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**GENERAL REVENUE FUND**

Costs - Department of Health

Personal Service Costs (2 FTE)	(\$32,042)	(\$39,411)	(\$40,396)
Fringe Benefits	(\$10,680)	(\$13,136)	(\$13,464)
Equipment and Expenses	(\$24,452)	(\$12,350)	(\$12,720)
Total <u>Costs</u> - Department of Health	(\$67,174)	(\$64,897)	(\$66,580)

Costs - Department of Mental Health

Registering of DMH employees	(\$50,000)	(\$10,000)	(\$10,000)
Total Costs-Department of Mental Health	(\$50,000)	(\$10,000)	(\$10,000)

**ESTIMATED NET EFFECT ON**

<b>GENERAL REVENUE FUND</b>	<b><u>(\$117,174)</u></b>	<b><u>(\$74,897)</u></b>	<b><u>(\$76,580)</u></b>
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<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>CRIMINAL RECORD SYSTEM FUND</b>			
<u>Income - Department of Public Safety - Missouri Highway Patrol</u>			
Criminal Record Search Fees	\$145,950	\$43,785	\$43,785
Department of Mental Health Employee Criminal Record Search Fees	<u>\$50,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
Total <u>Income</u> - Department of Public Safety - Missouri Highway Patrol	<u>\$195,950</u>	<u>\$53,785</u>	<u>\$53,785</u>
<u>Costs - Department of Public Safety - Missouri Highway Patrol</u>			
Personal Service Costs (1 FTE)	(\$15,006)	(\$18,457)	(\$18,919)
Fringe Benefits	(\$5,001)	(\$6,152)	(\$6,306)
Equipment and Expenses	<u>(\$4,416)</u>	<u>(\$670)</u>	<u>(\$689)</u>
Total Costs - Missouri Highway Patrol	<u>(\$24,423)</u>	<u>(\$25,279)</u>	<u>(\$25,914)</u>
<b>ESTIMATED NET EFFECT ON CRIMINAL RECORD SYSTEM FUND</b>	<b><u>\$171,527</u></b>	<b><u>\$28,506</u></b>	<b><u>\$27,871</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This act modifies the Family Care Safety Registry. The Registry will provide information on child care, elder care, and personal care workers and providers from the following sources:

- 1) Missouri State Highway Patrol's criminal record check system; 2) The Division of Family Services' abuse and neglect records; 3) Financial exploitation of the elderly or disabled (as of January 1, 2003); 4) The Division of Aging's employee disqualification list; 5) The Department
- DESCRIPTION (continued)

of Mental Health's employee disqualification registry (as of January 1, 2003); 6) Foster parent licensure denials, revocations, and involuntary suspensions; 7) Child care facility licensure denials, revocations, and suspensions; and 8) Residential living facility licensure denials, revocations, and suspensions.

Any employee who fails to register and any employer contracted with the state who fails to confirm such registration will be guilty of a Class B misdemeanor. The term "employer" is defined as any child care provider, elder care provider, or personal care provider as defined in this section.

Section 210.909, RSMo, is modified to allow the Registry to provide information on felony or misdemeanor charges pursuant to the listed chapters. Section 210.921, RSMo, is modified to allow the release of specific information on a Registry applicant to child care, elder care, or personal care providers licensed by the state. The Department may use the Registry for any purpose necessary to carry out its statutory duties.

The Department may maintain a disqualification registry containing persons who have been disqualified under these sections or who have had administrative substantiations made against them for abuse and neglect. The list will reflect that the person is barred from a position in a facility or day program associated by or licensed with the Department, or in any mental health facility or program in which persons are voluntarily admitted or civilly detained.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Department of Social Services  
Department of Health  
Department of Mental Health  
Department of Public Safety - Missouri Highway Patrol  
Office of Attorney General

**NOT RESPONDING: Department of Corrections**



Jeanne Jarrett, CPA  
Director  
May 15, 2001